

REMARKS

Claims 1-16 remain pending in this application. Claims 17-56 were canceled. The pending claims 1-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Walker et al. (U.S. 5,884,270) in view of Bisbee et al. (U.S. 5,748,738). Claims 1 and 16 are currently amended to clarify the scope of the claimed subject matter. The applicants respectfully request that the Office reconsider the application in light of the above amendments and the following remarks.

The primary point of disagreement between the applicants and the Office appears to be the scope of the claim element “data record associated with a unique identifier” found in all of the claims prior to amendment. The applicants claim subject matter in which each data record is associated with an identifier that uniquely identifies a single candidate (“the candidate”) to an outside user wanting verification of that candidate’s personal background data. The applicants do not intend the present claims to cover an identifier that changes each time a data record is requested.¹

In relation to a “unique identifier” as previously claimed, the office action cited a reference (Walker) that discloses a transaction identifier. The office action includes citations to locations in Walker disclosing that this identifier is “unique” to each transaction requesting a candidate’s data. However Walker fails to disclose the subject matter defined by the claims as amended herein. The applicants therefore make the indicated amendments to explicitly provide that the identifier identifies the candidate, not any particular transaction involving the candidate’s data.

With these amendments, Walker and Bisbee fail to disclose, alone or in combination, an outside user having received a candidate identifier directly or indirectly from the candidate as claimed. Walker discloses a method and system for facilitating an employment search incorporating user-controlled anonymous communications. Walker, title (emphasis added). Walker explicitly states that one goal of his invention is “to maintain the anonymity of [communicating] parties.” Walker, col. 4, lines 35-43. This goal would be frustrated if an

¹ However, the applicants expressly reserve the right to claim this subject matter at a later time, to the extent that this subject matter is disclosed in the application.

outside user received a candidate identifier directly or indirectly from the candidate, as claimed. Thus, Walker does not disclose this limitation and in fact teaches away from it. Bisbee, being primarily directed to storage and retrieval of authenticated documents, also fails to disclose this claim limitation. Bisbee, title. As a result, to the extent that Walker and Bisbee can be combined, the combination fails to disclose or suggest receiving a candidate identifier from an outside user.

Moreover, it would not have been obvious to a person having ordinary skill in the art even to have combined Walker and Bisbee to form a method or system having this limitation. In fact, it would not have been obvious to combine Walker with any other reference to form such a method or system, because Walker teaches away from such a combination by demanding anonymous communication. It does not matter that Walker discloses an identifier that uniquely identifies a party for record-keeping purposes (see Walker, Fig. 2C) — Walker's design necessarily requires that this party identifier must never be communicated to a requestor, or the party's anonymity would be lost.

To conclude, Walker and Bisbee do not teach, alone or in combination, all of the limitations of the claims. Furthermore, Walker teaches away from reaching the amended claims by making the combination suggested by the office action. Thus, the applicants respectfully submit that all claims 1-16 are allowable over the cited references. As the pending claims are believed to be allowable, the applicants respectfully request allowance of the application. The applicants further request that the Examiner contact the undersigned, David E. Blau, if it will assist further examination of this application.

The applicants do not believe any extension of time is required for timely consideration of this response. In the event that an extension has been overlooked, this conditional petition of extension is hereby submitted. Please charge deposit account number 19-4972 for any fees that may be required for the timely consideration of this paper.

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Respectfully submitted,

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